

Bill No. SB 48-B

Amendment No. 1 Barcode 795698

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. A new subsection (8) is added to section 332.007, Florida Statutes to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.--

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to provide operational and maintenance assistance to publicly owned public-use airports. Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For

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1 purposes of this subsection, the department may fund up to 100  
2 percent of eligible project costs that are not funded by the  
3 federal government. Prior to releasing any funds under this  
4 section, the department shall review and approve the  
5 expenditure plans submitted by the airport. This subsection  
6 shall expire on June 30, 2003.

7 Section 2. Any multicounty airport authority created  
8 as an independent special district which is subject to a  
9 development-of-regional-impact development order and which has  
10 conducted a noise study in accordance with 14 C.F.R. Part 150  
11 shall, in fiscal year 2002, establish a  
12 noise-mitigation-project fund in an amount of \$7.5 million,  
13 which shall be increased by another \$2.5 million in fiscal  
14 year 2004. The moneys in the project fund shall be segregated  
15 and expended by the airport authority by December 31, 2006, to  
16 the extent necessary to comply with development-order  
17 commitments to acquire property from or otherwise mitigate  
18 property owners adversely affected by the development of  
19 regional impact. If moneys are not expended for such purposes  
20 by December 31, 2006, the airport authority shall not  
21 thereafter amend its development-of-regional-impact  
22 development order or commence development of airport  
23 infrastructure improvements authorized by such development  
24 order until such funds are fully expended for such purposes.

25 Section 3. Effective July 1, 2002, sections 332.201,  
26 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208,  
27 332.209, 332.210, and 332.211, Florida Statutes, are created  
28 to read:

29 332.201 Short title.--Sections 332.201-332.211 may be  
30 cited as the "Florida Airport Authority Act."

31 332.202 Definitions.--As used in this act:

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1           (1) "Agency of the state" means and includes the state  
2 and any department of, or corporation, agency, or  
3 instrumentality created, designated, or established by, the  
4 state.

5           (2) "Airport" means any area of land or water, or any  
6 manmade object or facility located therein, which is used, or  
7 intended for public use, for the landing and takeoff of  
8 aircraft, and any appurtenant areas which are used, or  
9 intended for public use, for airport buildings or other  
10 airport facilities or rights-of-way.

11           (3) "Airport system" means any and all airports within  
12 the geographic boundaries of an airport authority established  
13 pursuant to this act and appurtenant facilities thereto,  
14 including, but not limited to, all approaches, roads, bridges,  
15 and avenues of access for such airport.

16           (4) "Authority" means an airport authority established  
17 pursuant to this act which is a body politic and corporate and  
18 a public instrumentality.

19           (5) "Bonds" means and includes the notes, bonds,  
20 refunding bonds, or other evidences of indebtedness or  
21 obligations, in either temporary or definitive form, which an  
22 authority issues pursuant to this act.

23           (6) "Department" means the Department of  
24 Transportation.

25           (7) "Division" means the Division of Bond Finance of  
26 the State Board of Administration.

27           (8) "Express written consent" means prior express  
28 written consent given in the form of a resolution adopted by a  
29 board of county commissioners.

30           (9) "Federal agency" means and includes the United  
31 States, the President of the United States, and any department

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1 of, or corporation, agency, or instrumentality created,  
2 designated, or established by, the United States.

3 332.203 Airport authority; formation; membership.--

4 (1) Any county which has a population of more than 2.1  
5 million people shall at the countywide election hold a  
6 referendum in which the electors shall decide whether to form  
7 an airport authority, which shall be an agency of the state,  
8 pursuant to this act.

9 (2) The governing body of the authority shall consist  
10 of seven voting members, two of whom shall be appointed by the  
11 Governor subject to confirmation by the Senate. Each member of  
12 the governing body must at all times during his or her term of  
13 office be a permanent resident of the county which he or she  
14 is appointed to represent.

15 (a) The two members of the governing body appointed by  
16 the Governor, subject to confirmation by the Senate, shall  
17 serve terms of 4 years. Such persons may not hold elective  
18 office during their terms of office.

19 (b) Two members shall be appointed by the County  
20 Ethics Commission.

21 (c) One member shall be appointed by the County Mayor.

22 (d) Two members shall be appointed by the County  
23 Commission. At least one of the members appointed by the  
24 County Commission must possess expertise in airport security.

25 (3)(a) The governing body of each authority shall  
26 elect one of its members as its chair and shall elect a  
27 secretary and a treasurer, who need not be members of the  
28 authority. The chair, secretary, and treasurer shall hold  
29 their offices at the will of the governing body. A simple  
30 majority of the governing body constitutes a quorum, and the  
31 vote of a majority of those members present is necessary for

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1 the governing body to take any action. A vacancy on a  
2 governing body shall not impair the right of a quorum of the  
3 governing body to exercise all of the rights and perform all  
4 of the duties of the authority.

5 (b) Upon the effective date of his or her appointment,  
6 or as soon thereafter as practicable, each appointed member of  
7 a governing body shall enter upon his or her duties.

8 (4)(a) An authority may employ an executive secretary,  
9 an executive director, its own counsel and legal staff,  
10 technical experts, and such engineers and employees, permanent  
11 or temporary, as it may require and shall determine the  
12 qualifications and fix the compensation of such persons,  
13 firms, or corporations. An authority may employ a fiscal agent  
14 or agents; however, the authority must solicit sealed  
15 proposals from at least three persons, firms, or corporations  
16 for the performance of any services as fiscal agent. An  
17 authority may delegate to one or more of its agents or  
18 employees such of its power as it deems necessary to carry out  
19 the purposes of this act, subject always to the supervision  
20 and control of the authority.

21 (b) Members of the governing body of an authority may  
22 be removed from office by the Governor for misconduct,  
23 malfeasance, misfeasance, or nonfeasance in office.

24 (c) Members of the governing body of an authority are  
25 entitled to receive from the authority their travel and other  
26 necessary expenses incurred in connection with the business of  
27 the authority as provided in s. 112.061, but they may not draw  
28 salaries or other compensation.

29 (d) Members of the governing body of an authority  
30 shall be required to comply with the applicable financial  
31 disclosure requirements of ss. 112.3144, 112.3148, and

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1 112.3149.

2 (5) No member or spouse shall be the holder of the  
3 stocks or bonds of any company, other than through ownership  
4 of shares in a mutual fund, regulated by the authority, or any  
5 affiliated company of any company regulated by the authority,  
6 or be an agent or employee of, or have any interest in, any  
7 company regulated by the authority or any affiliated company  
8 of any company regulated by the authority, or in any firm  
9 which represents in any capacity either companies which are  
10 regulated by the authority or affiliates of companies  
11 regulated by the authority. As a condition of appointment to  
12 the council, each appointee shall affirm to the Speaker and  
13 the President his or her qualification by the following  
14 certification: "I hereby certify that I am not a stockholder,  
15 other than through ownership of shares in a mutual fund, in  
16 any company regulated by the authority or in any affiliate of  
17 a company regulated by the authority, nor in any way, directly  
18 or indirectly, in the employment of, or engaged in the  
19 management of any company regulated by the authority or any  
20 affiliate of a company regulated by the authority, or in any  
21 firm which represents in any capacity either companies which  
22 are regulated by the authority or affiliates of companies  
23 regulated by the authority." A member of the authority shall  
24 not contribute to the campaign account of any elected  
25 official, nor solicit any campaign contributions for any  
26 elected official.

27 332.204 Purposes and powers.--

28 (1)(a) An authority created and established pursuant  
29 to this act may acquire, hold, construct, improve, maintain,  
30 operate, own, and lease an airport system.

31 (b) Construction of an airport system may be completed

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1 by an authority in segments, phases, or stages, in a manner  
 2 which will permit the expansion of these segments, phases, or  
 3 stages to the desired airport configuration. Each authority,  
 4 in the construction of an airport system, may construct any  
 5 extensions of, additions to, or improvements to, the airport  
 6 system or appurtenant facilities, including all necessary  
 7 approaches, roads, bridges, and avenues of access, with such  
 8 changes, modifications, or revisions of the project that are  
 9 deemed desirable and proper. An authority may only add  
 10 additional airports to an airport system, under the terms and  
 11 conditions set forth in this act, with the prior express  
 12 written consent of the board of county commissioners of each  
 13 county located within the geographic boundaries of the  
 14 authority, and only if such additional airports are  
 15 financially feasible, and are compatible with the existing  
 16 plans, projects, and programs of the authority.

17 (2) Each authority may exercise all powers necessary,  
 18 appurtenant, convenient, or incidental to the carrying out of  
 19 its purposes, including, but not limited to, the following  
 20 rights and powers:

21 (a) To sue and be sued, implead and be impleaded, and  
 22 complain and defend in all courts.

23 (b) To adopt, use, and alter at will a corporate seal.

24 (c) To acquire, purchase, hold, lease as lessee, and  
 25 use any franchise or property, real, personal, or mixed,  
 26 tangible or intangible, or any interest therein necessary or  
 27 desirable for carrying out the purposes of the authority and  
 28 to sell, lease as lessor, transfer, and dispose of any  
 29 property or interest therein at any time acquired by it.

30 (d) To enter into and make leases, either as lessee or  
 31 as lessor, in order to carry out the right to lease as set

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1 forth in this act.

2 (e) To fix, alter, charge, establish, and collect  
3 rates, fees, rentals, and other charges for the services and  
4 facilities of the airport system, which rates, fees, rentals,  
5 and other charges must always be sufficient to comply with any  
6 covenants made with the holders of any bonds issued pursuant  
7 to this act.

8 (f) To borrow money, make and issue negotiable notes,  
9 bonds, refund bonds and other evidence of indebtedness, either  
10 in temporary or definitive form, of the authority, which bonds  
11 or other evidence of indebtedness may be issued pursuant to  
12 the State Bond Act, to finance an airport system within the  
13 geographic boundaries of the authority, and to provide for the  
14 security of the bonds or other evidence of indebtedness and  
15 the rights and remedies of the holders of the bonds or other  
16 evidence of indebtedness. Any bonds or other evidence of  
17 indebtedness pledging the full faith and credit of the state  
18 shall only be issued pursuant to the State Bond Act.

19 (g) To enter into contracts and to execute all  
20 instruments necessary or convenient for the carrying on of its  
21 business.

22 (h) Without limitation of the foregoing, to borrow  
23 money and accept grants from, and to enter into contracts,  
24 leases, or other transactions with, any federal agency, the  
25 state, any agency of the state or county, or any other public  
26 body of the state.

27 (i) To have the power of eminent domain, including the  
28 procedural powers granted under chapters 73 and 74.

29 (j) To pledge, hypothecate, or otherwise encumber all  
30 or any part of the revenues, rates, fees, rentals, or other  
31 charges or receipts of the authority, as security for all or



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1 any of the obligations of the authority.

2 (k) To do all acts and things necessary or convenient  
3 for the conduct of its business and the general welfare of the  
4 authority in order to carry out the powers granted to it by  
5 law.

6 (1) An airport authority may consider any unsolicited  
7 proposals from private entities and all factors it deems  
8 important in evaluating such proposals. The airport authority  
9 shall adopt rules or policies in compliance with s. 334.30 for  
10 the receipt, evaluation, and consideration of such proposals  
11 in order to enter into agreements for the planning design,  
12 engineering, construction, operation, ownership, or financing  
13 of its airport system. Such rules must require substantially  
14 similar technical information as is required by Rule  
15 14-107.0011(3)(a)-(e), Florida Administrative Code. In  
16 accepting a proposal and entering into such an agreement, the  
17 airport authority and the private entity shall for all  
18 purposes be deemed to have complied with chapters 255 and 287.  
19 Similar proposals shall be reviewed and acted on by the  
20 authority in the order in which they were received. An  
21 additional airport may only be constructed under this  
22 paragraph with state and federal approval, and with the prior  
23 express written consent of the board of county commissioners  
24 of each county located within the geographical boundaries of  
25 the authority.

26 (3) The use or pledge of any portion of county tax  
27 funds may not be made without the prior express written  
28 consent of the board of county commissioners of each county  
29 located within the geographic boundaries of the authority.

30 (4) Any authority formed pursuant to this act shall  
31 comply with all statutory requirements of general application

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1 which relate to the filing of any report or documentation  
2 required by law, including the requirements of ss. 189.4085,  
3 189.415, 189.417, and 189.418.

4 (5) No airport authority shall undertake any  
5 construction that is not consistent with federal aviation  
6 requirements, the statewide aviation system plan, and the  
7 county's comprehensive plan.

8 (6) The governing body of the county may enter into an  
9 interlocal agreement with an authority pursuant to chapter 163  
10 for the joint performance or performance by either  
11 governmental entity of any corporate function of the county or  
12 authority necessary or appropriate to enable the authority to  
13 fulfill the powers and purposes of this act and promote the  
14 efficient and effective transportation of persons and goods in  
15 such county.

16 332.205 Bonds.--With the prior express written consent  
17 of the board of county commissioners of each county located  
18 within the geographic boundaries of an authority, bonds may be  
19 issued on behalf of an authority as provided by the State Bond  
20 Act.

21 332.206 County may be appointed agent of authority for  
22 construction.--The county may be appointed by the authority as  
23 its agent for the purpose of constructing improvements to an  
24 airport system and for the completion thereof. In such event,  
25 the authority shall provide the county with complete copies of  
26 all documents, agreements, resolutions, contracts, and  
27 instruments relating thereto; shall request the county to do  
28 such construction work, including the planning, surveying, and  
29 actual construction of the completion and improvements to the  
30 airport system; and shall transfer to the credit of an account  
31 of the county the necessary funds therefor.



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1 and any federal agency, corporation, and individual, for the  
2 purpose of carrying out the provisions of this act.

3 332.209 Covenant of the state.--The state does hereby  
4 pledge to, and agrees with, any person, firm, corporation, or  
5 federal or state agency subscribing to or acquiring the bonds  
6 to be issued by an authority for the purposes of this act that  
7 the state will not limit or alter the rights hereby vested in  
8 an authority and the department until all bonds at any time  
9 issued, together with the interest thereon, are fully paid and  
10 discharged, insofar as the same affects the rights of the  
11 holders of bonds issued hereunder. The state does further  
12 pledge to, and agrees with, the United States that, in the  
13 event any federal agency constructs, or contributes any funds  
14 for the completion, extension, or improvement of, an airport  
15 system or any part or portion thereof, the state will not  
16 alter or limit the rights and powers of an authority and the  
17 department in any manner which would be inconsistent with the  
18 continued maintenance and operation of the airport system or  
19 the completion, extension, or improvement thereof or which  
20 would be inconsistent with the due performance of any  
21 agreement between the authority and any such federal agency,  
22 and the authority and the department shall continue to have  
23 and may exercise all powers granted so long as the same shall  
24 be necessary or desirable for carrying out the purposes of  
25 this act and the purposes of the United States in the  
26 completion, extension, or improvement of the airport system or  
27 any part or portion thereof.

28 332.210 Exemption from taxation.--The effectuation of  
29 the authorized purposes of an airport authority is in all  
30 respects for the benefit of the people of the state, for the  
31 increase of their commerce and prosperity, and for the

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1 improvement of their health and living conditions. For this  
 2 reason, an authority is not required to pay any taxes or  
 3 assessments of any kind or nature whatsoever upon any property  
 4 acquired by it or used by it for such purposes or upon any  
 5 revenues at any time received by it. The bonds issued by or on  
 6 behalf of an authority, their transfer, and the income  
 7 therefrom, including any profits made on the sale thereof, are  
 8 exempt from taxation of any kind by the state or by any  
 9 political subdivision or other taxing agency or  
 10 instrumentality thereof. The exemption granted by this section  
 11 does not apply to any tax imposed under chapter 220 on  
 12 interest, income, or profits on debt obligations owned by  
 13 corporations.

14 332.211 Exemption from applicability.--This act does  
 15 not apply in a county in which an authority has been created  
 16 pursuant to a general or special act of the Legislature for  
 17 the purpose of owning, building, or operating an airport.

18 Section 4. The provisions of the Florida Airport  
 19 Authority Act, sections 332.201-332.211, Florida Statutes,  
 20 shall not apply to any county which has created its own  
 21 airport authority.

22 Section 5. Members of the authority created pursuant  
 23 to the Florida Airport Authority Act, sections  
 24 332.201-332.211, Florida Statutes, are required to file full  
 25 and public disclosure of financial interests pursuant to  
 26 section 112.3144, Florida Statutes.

27 Section 6. This act shall take effect upon becoming a  
 28 law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to airports, amending s.  
8 332.007, F.S.; providing economic assistance to  
9 airports; providing for noise mitigation for  
10 certain airports; creating ss. 332.201,  
11 332.202, 332.203, 332.204, 332.205, 332.206,  
12 332.207, 332.208, 332.209, 332.210, and  
13 332.211, F.S.; creating the Florida Airport  
14 Authority Act; providing definitions; providing  
15 that certain counties shall form an airport  
16 authority; providing that certain former  
17 military facilities redeveloped and operated as  
18 an airport shall be redeveloped and operated by  
19 an authority under the act, and providing for  
20 membership of the governing body of such  
21 authorities; providing for appointment of  
22 members of the governing body of an authority;  
23 providing for officers, employees, expenses,  
24 removal from office, and application of  
25 financial disclosure provisions; providing  
26 purposes and powers of an authority; providing  
27 restrictions on authority powers; providing for  
28 issuance of bonds; providing that the county  
29 may be appointed as an authority's agent for  
30 construction; providing for acquisition of  
31 lands and property; providing for cooperation

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1 with other units, boards, agencies, and  
2 individuals; providing a covenant of the state  
3 with respect to bond issuance and agreements  
4 with federal agencies; providing an exemption  
5 from taxation; providing for applicability;  
6 requiring members of the authority to file  
7 financial disclosure; providing an effective  
8 date.  
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